



Entered on Docket
June 29, 2007

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE
COMPANY,
USA CAPITAL REALTY ADVISORS,
LLC,
USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,
USA CAPITAL FIRST TRUST DEED
FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

Date: April 26, 2007
Time: 9:30 a.m

Affecting:

☐ All Cases

or Only:

- ☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

ORDER SUSTAINING FOURTEENTH OMNIBUS OBJECTION OF THE USACM LIQUIDATING TRUST TO CLAIMS ASSERTING SECURED STATUS

The USACM Liquidating Trust (the “USACM Trust”) filed its Fourteenth Omnibus Objection to Claims Asserting Secured Status [DE 3159] (the “Objection”) on March 20, 2007. Appropriate notice of the Objection was given. Responses to the Objection were filed with this Court as follows:

- Response by the Humphry 1999 Trust regarding Claim No. 10725-00588 [DE 3433].
- Response filed by Susan William Scann on behalf of the Jack J. Beaulieu Revocable Living Trust regarding Claim Nos. 10725-01585, 10725-01586, 10725-01587, 10725-01588, and 10725-01589 [DE 3478]. A stipulation and order has been approved by the parties.
- Response filed by James E. McKnight regarding Claim Nos. 10725-00673 and 10725-00674 [DE 3488]. A stipulation or motion will be filed as to these claims.
- Objection filed by Jack S. Tiano Accountancy Corp. regarding Claim Nos. 10725-01831 and 10725-01832 [DE 3477]. A separate stipulation or motion will be filed on these claims.

No other responses were filed with this Court. The Objection came before the Court for hearing on April 26, 2007 at 9:30 a.m. Good cause appearing, it is

ORDERED:

- Sustaining the USACM Trust’s Fourteenth Omnibus Objection to Claims Asserting Secured Status listed on Exhibit A attached;
- Reclassifying the Proofs of Claim listed on Exhibit A attached as general unsecured claims; and
- Reserving the right of any party in interest, including the USACM Trust, to further object to any and all claims listed on Exhibit A attached as unsecured claims or otherwise, whether or not the subject of this Objection.

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PREPARED AND SUBMITTED:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☒ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
 - ☒ approved the form of this order (James E. McKnight);
 - ☐ waived the right to review the order;
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
 - ☒ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b) (Jack Humphry; Jack S. Tiano Accountancy Corp; and Susan Williams Scann).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order:
- ☐ No opposition was filed to the motion and no other party or counsel appeared at the hearing (none required).

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

Attorneys for USACM Liquidating Trust

1
2 APPROVED/DISAPPROVED

3
4 Jack Humphry, Humphry 1999 Trust

5 APPROVED/DISAPPROVED

6
7 Jack S. Tiano Accountancy Corp

APPROVED/DISAPPROVED


James E. McKnight

APPROVED/DISAPPROVED

**DEANER, DEANER, SCANN, MALAN
& LARSEN**

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9 By: _____
10 Susan Williams Scann
11 Attorneys for Jack J. Beaulieu Revocable
12 Living Trust
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14th Objection to Claims Asserting Secured Status - Reclassify as General Unsecured Claims

	<u>Claimant</u>	<u>Proof of Claim Number</u>	<u>Date Filed</u>	<u>Proof of Claim Amount</u>	<u>Proof of Claim Classification</u>
1	Hoglund IRA, John A 7574 E Green Lake Dr N Seattle, WA 98103	10725-00081	7/17/2006	\$51,058.96	S
2	Hoglund IRA, John A 7574 E Green Lake Dr N Seattle, WA 98103	10725-00086	7/17/2006	\$104,166.39	S
3	Hoglund IRA, Patricia O 7574 E Green Lake Dr N Seattle, WA 98103	10725-00083	7/17/2006	\$51,055.03	S
4	Hoglund, John & Patricia 7574 E Green Lake Dr N Seattle, WA 98103	10725-00082	7/17/2006	\$51,597.18	S
5	Hoglund, John & Patricia 7574 E Green Lake Dr N Seattle, WA 98103	10725-00084	7/17/2006	\$50,689.90	S
6	Hoglund, John & Patricia 7574 E Green Lake Dr N Seattle, WA 98103	10725-00085	7/17/2006	\$51,533.44	S
7	Horgan, Patrick J Attn C Jaime Esq Po Box 30000 Maupin Cox Legoy Reno, NV 89520	10725-00286	10/3/2006	\$50,000.00	S
8	Horgan, Patrick J Attn C Jaime Esq Po Box 30000 Maupin Cox Legoy Reno, Nv 89520	10725-00287	10/3/2006	\$50,000.00	S
9	Houghton Dental Corp Psp F/B/O Geraldine Houghton 2871 Pinta Perris, CA 92571	10725-01257	11/9/2006	\$400,000.00	S P, U -- Unknown
10	Houston Revocable Family Trust Dtd 12/20/85, Willian & Susan C/O Susan & William Houston Ttees 7737 Spanish Bay Dr Las Vegas, NV 89113-1396	10725-01804	12/18/2006	\$100,000.00	S
11	Houston, Susan 7737 Spanish Bay Dr Las Vegas, NV 89113	10725-01805	12/18/2006	\$100,000.00	S

12	Howarth, Marjorie 30116 Corte San Luis Temecula, CA 92591	10725-01031	11/6/2006	\$25,000.00	S
13	Hruby, Monica M Po Box 3191 Incline Village, Nv 89450-3191	10725-00342	9/28/2006	\$312,400.00	S
14	Huffman Family Trust Dtd 5/28/98 Hilary & Cynthia Huffman Ttees 140 Gazelle Rd Reno, NV 89511-6642	10725-01737	12/11/2006	\$88,750.00	S
15	Huffman Ttees Of The Huffman Family Tr, Hilary A & Cynthia L 140 Gazelle Rd Reno, NV 89511	10725-02122	1/11/2007	\$101,416.23	S, U
16	Huish, Jamie 2013 Madagascar Ln Las Vegas, NV 89117	10725-01286	11/10/2006	\$95,788.99	S
17	Huish, Jamie 2013 Madagascar Ln Las Vegas, NV 89117	10725-01289	11/10/2006	\$95,789.00	S
18	Humphrey, Todd 18665 Meadowlark Ct Penn Valley, CA 95946	10725-00419	10/3/2006	\$100,000.00	S
19	Humphry 1999 Trust Jack Humphry & Alice Humphry, Trustees 3825 Champagne Wood Drive North Las Vegas, NV 89031	10725-00588	10/13/2006	\$186,631.00	S
20	Huthert, James F & Elizabeth A 487 Sudden Vly Bellingham, WA 98229-4809	10725-00825	10/30/2006	\$58,333.30	S
21	Huthert, James 487 Sudden Vly Bellingham, WA 98229	10725-00820	10/30/2006	\$66,666.60	S
22	Inge Grist, An Unmarried Woman Av Paseo De La Marina Nte 535 Apt. #504 Puerto Vallarta, Jalisco 48300	10725-00551	10/11/2006	\$81,727.06	S
23	Ingman, Marc M 1923 LA Mesa Dr Santa Monica, CA 90402-2322	10725-01911	1/10/2007	\$253,750.00	S, U
24	Ingrid A Rutherford Family Trust Ingrid A Rutherford Ttee Po Box 224 I A R Cmr 419 Apo. Ae 9102	10725-00841	10/31/2006	\$50,659.78	S

25	Ingrid A Rutherford Family Trust Ingrid A Rutherford Ttee Po Box 224 I A R Cmr 419 Apo, Ae 9102	10725-00842	10/31/2006	\$50,198.47	S
26	Ingrid A Rutherford Family Trust Ingrid A Rutherford Ttee Po Box 224 I A R Cmr 419 Apo. Ae 9102	10725-00843	10/31/2006	\$135,080.35	S
27	Iona Pete Bakas Halliday Po Box 39147 Ft Lauderdale, FL 33339-9147	10728-00061	10/5/2006	\$ 50,000.00	S
28	Isenberg, Edwin 952 Las Lomas Ave Pacific Palisades, CA 90272-2430	10725-00278	9/27/2006	\$50,000.00	S
29	Ives Ttee Of The, Evelyn A Melvin J & Evelyn A Ives Bypass 220 First St #3 Seal Beach. CA 90740	10725-02187	1/12/2007	\$450,000.00	S, U
30	Ives Ttee Of The, Evelyn A Melvin J & Evelyn A Ives Qtip Tr 220 First St #3 Seal Beach. CA 90740	10725-02186	1/12/2007	\$330,509.00	S, U
31	Jack J Beaulieu Revocable Living- Trust Dtd 9/1/94 Jack J Beaulieu Trustee 2502 Palma Vista Ave Las Vegas, Nv 89121	10725-01585	12/8/2006	\$37,500.00	S U—unknown
32	Jack J Beaulieu Revocable Living- Trust Dtd 9/1/94 Jack J Beaulieu Trustee 2502 Palma Vista Ave Las Vegas, Nv 89121	10725-01586	12/8/2006	\$112,500.00	S U—unknown
33	Jack J Beaulieu Revocable Living- Trust Dtd 9/1/94 Jack J Beaulieu Trustee 2502 Palma Vista Ave Las Vegas, Nv 89121	10725-01587	12/8/2006	\$20,000.00	S U—unknown
34	Jack J Beaulieu Revocable Living- Trust Dtd 9/1/94 Jack J Beaulieu Trustee 2502 Palma Vista Ave Las Vegas, Nv 89121	10725-01588	12/8/2006	\$37,500.00	S U—unknown

35	Jack J Beaulieu Revocable Living- Trust Dtd 9/1/94 Jack J Beaulieu Trustee 2502 Palma Vista Ave Las Vegas, Nv 89121	10725-01589	12/8/2006	\$100,000.00	S U-unknown
36	Jack R Clark & Linda C Reid Jt Ten 9900 Wilbur May Pkwy #4701 Reno, NV 89521-3089	10725-02059	1/11/2007	\$891,016.03	S, U
37	Jack S Tiano Accountancy Corp 116 W El Portal Ste 103 San Clemente, CA 92672	10725-01831	12/29/2006	\$53,389.12	S
38	Jack S Tiano Accountancy Corp 116 W El Portal Ste 103 San Clemente, Ca 92672	10725-01832	12/29/2006	\$52,673.28	S
39	Jacqueline Barbara Valiente Revocable Tr Jacqueline Barbara Valiente Ttee 8804 Rio Grande Falls Ave Las Vegas, NV 89178-7217	10725-01172	11/10/2006	\$50,000.00	S
40	Jacqueline Scott 306 Torrey Pines Dayton, NV 89403	10725-00626	10/17/2006	\$50,000.00	S
41	James E. Mcknight 233 Branch Ave. Freeport, NY 11520	10725-00673	10/20/2006	\$633.33	S
42	James E. Mcknight 233 Branch Ave. Freeport, NY 11520	10725-00674	10/23/2006	\$50,000.00	S
43	James Gary Machetta Trust Dtd 7/9/02 C/O James Gary Machetta Trustee Po Box 2242 Denver, Co 80201-2242	10725-00454	10/5/2006 Blank		S
44	James, Donald E 2038 Palm St #438 Las Vegas, NV 89104	10725-00033	4/24/2006	\$60,000.00	S
45	Jamie Kefalas Trust C/O Francis Howard Trustee 7 Commerce Center Dr Ste A Henderson, NV 89014	10725-01870	1/5/2007	\$125,000.00	S
46	Janet P Johnson Living Trust Dtd 7/10/04 Charles & Janet Johnson Ttees 17 Front St Palm Coast, FI 32137-1453	10725-01631	12/8/2006	\$20,477.82	U S- contingent

47	Janice Janis & Christine Brager Tenants 406 Pearl St Boulder, CO 80302-4931	10725-02098	1/11/2007	\$24,599.15	S, U
48	Janice Janis Living Trust C/O Janice Janis Trustee 406 Pearl St Boulder, CO 80302	10725-02110	1/11/2007	\$50,000.00	S
49	Janice Janis Living Trust C/O Janice Janis Trustee 406 Pearl St Boulder, CO 80302-4931	10725-02108	1/11/2007	\$50,000.00	S
50	Janis Ttee Of The Living Trust, Janice C/O Janice Janis Ttee 406 Pearl St Boulder, CO 80302-4931	10725-02099	1/11/2007	\$202,956.24	S, U